

Flexible Working Policy

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POLICY

HERIOT-WATT UNIVERSITY FLEXIBLE WORKING POLICY

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POLICY

1. INTRODUCTION AND PURPOSE

This policy enables employees to request to work flexibly.

This policy is designed to meet the needs of both employees and the University and aims to facilitate discussion between an employee and their manager to consider a flexible working pattern.

The term 'flexible working' describes any working arrangement where the working pattern varies from standard practice. It takes account of employees' preferences, interests and non-work responsibilities whilst ensuring business needs are still met.

Requests for flexible working may be made for many different reasons, for example, caring for dependants, flexible retirement, undertaking part-time training or voluntary work, or pursuing a hobby or interest.

Employees may request a change to the hours they work, the times when they are required to work or their location of work. Such requests might typically involve reduced hours, job-sharing, staggered hours and term-time working.

2. KEY PRINCIPLES

The key underlying principles are:

- the University is committed to equality of opportunity, and this policy supports this commitment in addition to the Spirit of Heriot-Watt - valuing and respecting everyone and supporting an environment for creating and sustaining a sense of pride and belonging
- the University recognises that flexible working allows retention of employees with valuable knowledge and experience, and will therefore give serious consideration to all requests for flexible working
- each request will be considered taking into account the role and responsibilities of the employee and the impact the requested change could have on individual, team or School/Service performance

3. SCOPE

This policy and associated procedure apply to all staff employed by the University. However staff not based in the UK should contact Human Resources for advice as differing local labour laws or their employment visa may prevent a change to their working pattern.

Employees with 26 weeks' continuous service, at the date the request is made, have the **statutory right** to request a change to their contractual terms and conditions of employment to work flexibly. A request made under this statutory right, is referred to in this document and associated procedures as a "**statutory request**". Where a statutory request is approved, it will mean a permanent change to the employee's own terms and conditions of employment. Whilst employees with 26 weeks' continuous service have the **right to request** to work flexibly, there is **not an automatic right to work flexibly** as there may be circumstances when the University is unable to accommodate a desired work pattern. Only one statutory request can be made in a 12 month period.

Employees who do not have this required length of service (or who are not seeking a permanent change to their working arrangements) can still make a request for flexible

working. Where a request is made without the statutory right to do so it is referred to in this document and the associated procedure as a “**non-statutory request**”.

Flexible retirement requests must meet all the conditions of the relevant pension scheme. To make a request for flexible retirement and draw some pension benefits, an employee must have at least two years' service in their pension scheme and meet the age criteria of the pension scheme. For all the University's pension schemes, at the time of writing, the age from which you can flexibly retire is currently 55. Each pension scheme has conditions attached to flexible retirement requests and guidance from Payroll should be sought before making an application for flexible retirement. . LGPS members should also refer to Para 3 in the [Employer's Policy Statement LPGS](#)

4. LINES OF RESPONSIBILITY

Managers:

In keeping with good practice, managers should:

- take the request for flexible working seriously and give careful consideration to each request, including consideration of whether the change in work pattern has any effect on the grade of the post or cost to the University
- determine the impact of the request on the business without making a judgement on the reason for the request for flexible working
- discuss requests with the employee and confirm outcomes in good time, as set out in the University's Flexible Working Procedures
- ensure the employee is advised in writing of the reasons if the request is not agreed

Employees:

Employees should:

- be aware that whilst the University supports flexible working, the needs of the business must come first
- think carefully about the impact (e.g. on role, responsibilities, service provided) of their desired working pattern when making an application
- make an application at least three months in advance of when they would like the desired working pattern to take effect
- be open to alternative working patterns as a means of achieving flexible working
- bear in mind that a **statutory** request for flexible working involves a **permanent change** to working patterns and there is no automatic right to revert to the previous working pattern at a later date

Human Resources Department:

The Human Resources Department will:

- advise on the operation and application of this policy and procedure
- take a proactive role in ensuring consistency of application across the University
- maintain records of flexible working requests and outcomes for equal opportunities monitoring

Time Limits

Statutory Requests

All requests should be dealt with within a period of three months from first receipt to notification of the decision on appeal. However, the University and employee may agree to extend this time limit. For example, the relevant manager and the employee may agree to extend the time limit to allow for a trial period on the flexible working arrangements.

Managers should not delay when they receive a request and in most cases it will be possible to deal with a request in less than three months.

As a general rule, the line manager should hold the meeting within 28 calendar days of receiving the request and notify the decision to the employee within 14 calendar days of the meeting, so that there is enough time for any appeal to be concluded. Employees who are dissatisfied with the outcome of their request are allowed to lodge an appeal within 14 days of the notification, with the appeal to be heard, usually, within 14 days. The employee will usually be informed of the outcome of his/her appeal within 14 days of the appeal meeting.

Non-Statutory requests

Managers should respond to requests in a reasonable timescale, but this will usually not be later than 3 months from the date the request was made. There is no right of appeal for non-statutory requests.

5. MONITORING AND EVALUATION

This Policy and related Procedure will be reviewed three years from the date of implementation or earlier if legislation dictates. Such amendments will be notified to employees through the normal communication channels and/or e-mail. The Policy and Procedure will be maintained on the Human Resources website.

Records

All records and information obtained in relation to requests for flexible working will be kept confidential and retained in line with the Data Protection Act 1988 and the University's Records Retention Policy. The reasons why requests are granted or refused should be recorded. General statistics are maintained and reported for equal opportunities monitoring, FOI and key performance indicator purposes. Such information is kept securely and confidentially with personal data removed in accordance with the Data Protection Act 1988 and the University's Records Retention Policy.

6. FURTHER REFERENCE

Flexible Working Procedures

[*Guidance and FAQs*](#)

For flexible retirement, information on pension provider conditions can be found at:

<http://www.uss.co.uk>

<http://www.lpf.org.uk>

<http://www.sppa.gov.uk>

7. FURTHER HELP AND ADVICE

Human Resources – http://www.hw.ac.uk/hr/su_list_hr_staff.php - for queries regarding this Policy and Procedure

Payroll – payroll@hw.ac.uk - for queries regarding pension scheme conditions for flexible retirement and information on pension implications of reduction in working hours.

8. POLICY VERSION AND HISTORY

Version No	Date of Approval	Approving Authority	Brief Description of Amendment
V. 3.5	1.4.16	University Executive	In response to legislative changes and to clarify the non-legislative position Additional separate guidance issued October 2020

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